

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
MARIO S. LEVIS,)
a/k/a "Sammy Levis,")
)
Defendant.)

)

CASE NO. 08-CR-181 (TPG)(s)

**DEFENDANT'S UNOPPOSED MOTION FOR AN EXTENSION OF TIME
WITHIN WHICH TO FILE POST-TRIAL MOTIONS**

The Defendant, MARIO S. LEVIS, through undersigned counsel, respectfully moves this Court, for an extension of time within which to file post-trial motions under Fed. R. Crim. P. 29, 33 and/or 34 until **June 30, 2010**. The Defendant further requests that the Court issue its order on the extension request *before* the 14-day window period provided in Fed. R. Crim. P. 33(b)(2) (2009) expires on **May 13, 2010**. In support of this motion, the Defendant states the following:

1. The jury returned its verdict herein on Thursday, April 29, 2010.
2. Under the recently amended Rule 33(b)(2), the Defendant has fourteen (14) days within which to file post-trial motions. That 14-day period which expires on May 13, 2010.
3. Counsel have contacted the government concerning this request and the government indicated that it had no objections to the instant motion.
4. Since sentencing in this case will not occur until September 2010, if the extension is granted, the government will still have ample time to respond and the court will still have ample time to consider and rule on any such motions.

WHEREFORE, the Court should enter an order GRANTING the instant motion and ordering that the time period for filing post-trial motions under Fed. R. Crim. P. 29, 33 and 34 is extended until June 30, 2010.

Respectively submitted,

/s/ Roy Black
ROY BLACK, ESQ.
(FL Bar No. 126088)
HOWARD SREBNICK, ESQ.
(FL Bar No. 919063)
MARIA D. NEYRA, ESQ.
(FL Bar No. 074233)
BLACK, SREBNICK, KORNSPAN
& STUMPF, P.A.
201 South Biscayne Boulevard
Suite 1300
Miami, Florida 33131
Phone (305) 371-6421
Fax (305) 358-2006
rblack@royblack.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on March 5, 2010, I electronically filed the foregoing document through CM/ECF, which will then transmit a copy of the document to:

William John Stellmach, AUSA
Daniel Braun, AUSA
U.S. Attorney's Office
Southern District of New York
1 St. Andrews Plaza
New York, NY 10007
[William.stellmach@usdoj.gov.](mailto:William.stellmach@usdoj.gov)

/s/ Roy Black
ROY BLACK, ESQ